

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FOREST HILLS RESIDENTS' ASSOCIATION, INC.)	
AND WILLIAM BATES)	
)	
COMPLAINANTS)	
V.)	CASE NO. 2011-00138
)	
JESSAMINE-SOUTH ELKHORN WATER)	
DISTRICT)	
)	
DEFENDENT)	

ORDER

Complainants in this matter have filed a formal complaint against Jessamine-South Elkhorn Water District ("Jessamine-South Elkhorn District") in which they request, *inter alia*, an Order requiring the water district to cease all activities associated with the construction and financing of a million gallon water storage tank on a site adjacent to the Forest Hills Subdivision in Jessamine County, Kentucky, and to "undertake a reasonable site selection evaluation and seek the Commission's approval of an alternative site." Jessamine-South Elkhorn District has answered the Complaint and moved for its dismissal on the grounds of lack of subject matter jurisdiction and ripeness.

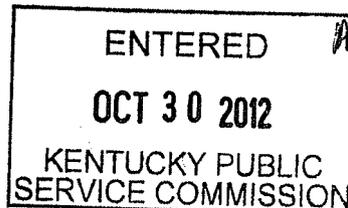
While the Complaint and the Motion to Dismiss have been pending the Commission, Jessamine-South Elkhorn District has submitted to the Commission an application for a Certificate of Public Convenience and Necessity to construct the water storage tank on a site adjacent to the Forest Hills Subdivision and for authority to issue

evidences of indebtedness to finance the proposed construction.¹ The issues posed in the Complaint, namely the need for the proposed facility, the suitability of the proposed facility's location, and that location's effect on the proposed facility's operation, are more appropriately addressed in the Commission proceeding in which Jessamine-South Elkhorn District's application is reviewed. Accordingly, the Commission finds that the Complaint should be dismissed without prejudice and that no final action should be taken on Jessamine-South Elkhorn District's application for 14 days from the date of this Order to afford Complainants the opportunity to apply for intervention in that proceeding.

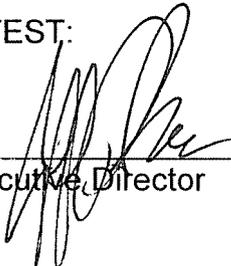
IT IS THEREFORE ORDERED that:

1. The Complaint is dismissed without prejudice.
2. No final action shall be taken on Jessamine-South Elkhorn District's application in Case No. 2012-00470 for 14 days from the date of this Order.
3. This case is removed from the Commission's docket.

By the Commission



ATTEST:



Executive Director

¹ Case No. 2012-00470, *Application of Jessamine-South Elkhorn Water District for a Certificate of Public Convenience and Necessity to Construct and Finance a Waterworks Improvements Project Pursuant to KRS 278.020 and 278.300* (Ky. PSC submitted Oct. 16, 2012).

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